

# tacopina seigel trial lawyers

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**MEMO ENDORSED**

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April 14, 2023

The Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007

USDC SDNY  
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Re: *E. Jean Carroll v. Donald J. Trump*, 22-cv-10016 (LAK)

Dear Judge Kaplan,

President Donald J. Trump, by and through his undersigned counsel, respectfully submits this Letter Motion requesting that the Court (1) conduct jury selection using the procedures outlined herein, including the use of a written juror questionnaire;<sup>1</sup> and (2) reconsider and modify its April 10, 2023 ruling, such that the attorneys for the parties are permitted access to the names of prospective jurors.<sup>2</sup> As set out more fully below, the relief sought by this Motion is necessary in light of the exceptional circumstances of this case and will increase the chance that President Trump receives a fair trial.

<sup>1</sup> Counsel for President Trump has submitted a proposed questionnaire at ECF No. 98, which is attached hereto as **Exhibit A**.

<sup>2</sup> Counsel is aware that the Court has noted any objections to the use of anonymous jury be filed by March 17, 2023, counsel filed "no objections" by that date, and has held that the joint letter (which was filed April 7, 2023) requesting modification of this Court's order on an anonymous jury dated March 23, 2023 was "untimely." ECF No. 105 at 3. However, the unsealing of President Trump's indictment, and subsequent media frenzy that was unleashed, occurred well after the Court's initial March 17 deadline. Moreover, that March 17, 2023 deadline did not specifically address the use of a jury questionnaire or the protocol proposed here, and President Trump has not filed briefing on that issue until this present letter brief.

Memorandum Endorsement

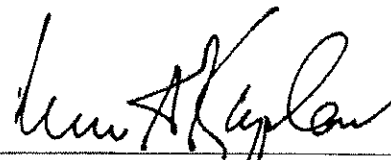
Carroll v. Trump, 22-cv-10016 (LAK)

Mr. Trump's motion to employ a written juror questionnaire in selecting the jury in this case is denied. The Court makes only these points as matters of emphasis:

1. This motion has been made without regard to the fact that the Court on April 10, 2023 stated that it would not use a jury questionnaire in this case. Dkt 105, at 5 n.8.
2. As the Court made clear in the April 10, 2023 decision, the law in this circuit is abundantly clear that the use of written jury questionnaires is entirely optional with the trial judge. What is required is that an appropriate *voir dire* by whatever means be used. That will be done.
3. This motion proposes the use of a juror questionnaire that – notwithstanding the Court's ruling that an anonymous jury will be employed – seeks to require prospective jurors to give their names, their employment, and the employment of all of their immediate family members. The Court denied the parties' request for their legal teams to access the jurors' names in its April 10, 2023 decision. Nothing between then and now has occurred to warrant revisiting that ruling.

SO ORDERED.

Dated: April 14, 2023

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", written over a horizontal line.

Lewis A. Kaplan  
United States District Judge